

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Cork City

Planning Register Reference Number: 16/37071

An Bord Pleanála Reference Number: PL 28.247697

APPEAL by Ciarán and Eileen Delaney and Nora Horgan of 7 the Drive, Riversdale, Rathcormac, Cork against the decision made on the 10th day of November, 2016 by Cork City Council to grant subject to conditions a permission to Jack Lynch care of John Hegarty of Fourem, 22 Connaught Place, Wellington Road, Cork for development comprising the retention of a one-storey brewery store to upper ground level to the south-west boundary, the retention of alterations to the height of a preparation room to lower ground level, and permission for alterations to a one-storey brewery store at upper ground level to the south-west boundary, removal of an existing one-storey extension to the south-east elevation at lower ground level, construction of a new one and a half storey extension to the south-east elevation at lower ground level, and associated site works, all at The Cotton Ball, 18 Old Youghal Road, Mayfield, Cork in accordance with plans and particulars lodged with the said Council.

DECISION

GRANT permission for the the retention of alterations to the height of a preparation room to lower ground level, the removal of an existing one-storey extension to the south-east elevation at lower ground level, the construction of a new extension to the south-east elevation at lower ground level, and the construction of a new one and a half storey extension to the south-east elevation at lower ground level, and associated site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the retention of a one-storey brewery store to upper ground level to the south-west boundary, and for alterations to the one-storey brewery store at upper ground level to the south-west boundary based on the reasons and consideration marked (2) under.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS (1)

Having regard to the provisions of the Cork City Council Development Plan 2015 – 2021, to the land-use zoning of the site 'ZO 4' – 'Residential, Local Services and Institutional Uses', the existing and permitted use on the site, and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development for which retention is sought, would be compatible with the zoning objective for the area, would not seriously injure the residential amenities of the area, and would be acceptable in terms of pedestrian and traffic safety. The proposed development, and the development for which retention is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission relates solely to:
 - (a) Retention of alterations to the height of a preparation room, and
Permission for:
 - (b) Removal of an existing one-storey extension to the south-east elevation.
 - (c) Construction of a new 'tank room'.
 - (d) New close boarded timber fencing and timber clad gate.

No permission is granted for the retention of the upper level 'brewery store' structure, nor for any alterations to this structure, as proposed. (That development is refused, in accordance with the refusal element of this decision, and for the reasons and considerations attached to that decision).

Reason: In the interest of clarity, orderly development and residential amenity.

3. Within one month of the date of this order, the use of the 'brewery store' structure and the adjoining open terrace area shall cease as a seating/smoking area. All associated tables and chairs shall be permanently removed. Within two months of the date of this order the 'brewery store' structure shall be fully removed from the site, and the planning authority shall be notified in writing of this fact, so that it may carry out an inspection to verify the matter.

Reason: In the interest of orderly development and residential amenity.

4. No other works authorised by this permission shall take place until the developer has been notified, in writing, of the planning authority's verification under condition number 3 of this permission.

Reason: In the interest of orderly development and residential amenity.

5. Within 12 months of the date of this order, the existing one-storey extension to the rear of the property shall be removed and the proposed new timber fencing shall be provided.

Reason: In the interest of orderly development and residential amenity.

6. The external wall finishes of the proposed 'tank room' structure shall be provided with a render finish of a uniform colour, a sample of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended demolition and construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 0900 and 1400 hours on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste, and in particular recyclable materials in the interest of protecting the environment.

11. No additional advertising signs, symbols, flags, emblems or logos shall be erected externally on the buildings or anywhere on the overall site, whether or not such signs or advertisements would constitute exempted development, without a prior grant of planning permission. No internally illuminated or neon signage shall be permitted.

Reason: In the interest of visual amenity and in order to permit the planning authority to assess the suitability of any such signage on the visual and residential amenities of the area through the statutory planning process.

12. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location (that is, the adjoining rear garden of the residence to the west of the appeal site), between 0800 and 2000 hours from Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

REASONS AND CONSIDERATIONS (2)

Having regard to the proximity of the brewery store to adjoining residential property, and to the height and use of this store, and having regard to the scale of the overall layout of the remainder of the development that is the subject of the attached permission, it is considered that the retention of this brewery store (and permission for any alteration to the store) would seriously injure the residential amenities, and depreciate the value, of property in the vicinity, and would be visually obtrusive. The retention of this development and its proposed alteration would, therefore, be contrary to the proper planning and sustainable development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.